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ILLINOIS COMMERCE COMMISSION

MC Squared Energy Services, LLC :

Docket No. 09-0059

Application for Certificate of
Service Authority under Section
16-115 of the Public Utilities Act. :

CHIEF CLERK'S OFFICE

2009 FEB 23 A 9:38

ILLINOIS
COMMERCE COMMISSION

VERIFIED RESPONSE TO THE ADMINISTRATIVE
LAW JUDGE'S RULING DATED FEBRUARY 17, 2009

MC Squared Energy Services, LLC ("Applicant") hereby submits its response to the Notice of the Administrative Law Judge's (ALJ's) ruling regarding the ALJ's preliminary review of the Applicant's request for a certificate of service authority to be an Alternatives Retail Electric Supplier (ARES) in the State of Illinois.

ALJ Item # 1 - Requirements of Public Act 095-1027

On January 12, 2009, Public Act 095-1027 ("PA-1027") was signed into law in Illinois. Among other things, PA 95-1027 amends Section 16-115 of the Public Utilities Act ("PCUA"). New subsection 16-115(d)(5) requires, in part:

That the applicant will procure renewable energy resources and will source electricity from clean coal facilities, as defined in Section 1-10 of the Illinois Power Agency Act, in amounts at least equal to the percentages set forth in subsections (c) and (d) of Section 1-75 of the Illinois Power Agency Act.

Applicant's Response to ALJ Item #1:

Applicant intends to fully comply with Subsection 16-115(d)(5) of the Illinois Public Utilities Act and the specific requirements to procure renewable energy resources as defined in Public Act 095-1027 cited as the Clean Coal Portfolio Standard Law (herein referred to as the "**RPS Act**").

Please note that Applicant believes that there is no immediate compliance issue as the renewable portfolio standard requirements under the RPS Act are not effective until June 1, 2009 and as of that date the renewable portfolio standard requirements will only apply to new retail contracts entered into as of the effective date.

In addition, the Commission's rules and regulations with respect to implementation of the recent RPS Act have not been issued as of this date. Applicant is actively participating in ongoing discussions with the Commission Staff, the Attorney General's Office and the ARES community as to how to implement the RPS Act. The Commission Staff has direct knowledge that all parties are in agreement that the ability of the Commission to issue clear rules and regulations would be greatly improved if certain modifications are made to the RPS Act. To that end, Applicant is actively involved with the Commission Staff and the other parties in an effort to achieve that goal of clarifying the RPS Act in advance of the June 1, 2009 implementation date.

Further, Applicant is not a generator of electric power and energy (renewable or otherwise) and therefore contemplates that it will either purchase the required portion of its electric supply requirements from qualified renewable power generation sources directly, or more likely, purchase sufficient Renewable Energy Credits (RECs) to meet the requirements of the RPS Act and related Commission requirements.

With respect to the initial clean coal facility cited in the RPS Act, if such facility is approved by the Legislature, Applicant will execute the required contract for renewable electric supply or a contract for differences. For other clean coal sources, Applicant will contract with and purchase from such sources and in such quantities as required by the RPS Act or the Commission, again provided that such supply sources are available within the Commission's established procedures.

Finally, Applicant will comply with the required reporting requirements under Subsection 16-115(d)(5) of the Public Utilities Act to show that it has met the Commission's requirements as it relates to the RPS Act. As stated herein, the specific rules as to what to include in this report are currently under discussion with Commission Staff and Applicant is actively involved in those discussions.

ALJ Item # 2 - Subsection 451.30 Required Filing Procedures

MC Squared is directed to provide proof of publication pursuant to Section 451.30(a).

Applicant's Response to ALJ Item # 2:

Applicant submitted a Proof of Publication Letter dated February 12, 2009 to the Chief Clerk's office via overnight Federal Express delivery on February 13, 2009 as required under Section 451.30(a). The Proof of Publication Letter included the original Certificate of Publication from Paddock Publications Inc. / Daily Herald. A copy of Applicant's Proof of Publication Letter dated February 12, 2009 and the Certificate of Publication from the Daily Herald is provided herein as Attachment A.

ALJ Item # 3 - Section 451.230 Technical Qualifications

MC Squared is directed to provide additional information with respect to the requirements of Section 451.230(b)(2).

Applicant's Response to the ALJ Item # 3:

Applicant maintains a telephone number, fax number and address where its staff can be directly reached at all times. To that end, Applicant submits the following additional information:

Business Address of Applicant: 10 South Riverside Plaza, Suite 1800
Chicago, Illinois 60606
Toll Free Telephone Number: 1-877-622-7697
Toll Free Fax Number: 1-877-281-1279
Service Request Email Address: service@mc2energyservices.com

Further, Applicant has established a 24 hour desk for the scheduling and dispatching of energy with the regional transmission operator (RTO) and other required parties. This location receives Applicant's toll-free telephone, fax or email service requests directly during non-business hours. John Fringer, employee of Applicant, operates the location at 4201 Lomo Alto, Suite 300, Dallas, TX 75219.

Conclusion of Verified Response.



Charles C. Sutton

President

MC Squared Energy Services, LLC

10 South Riverside Plaza, Suite 1800

Chicago, Illinois 60606

Dated February 19, 2009

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK)

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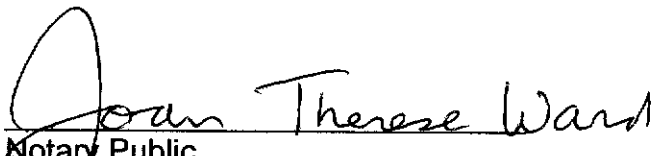
Charles C. Sutton, being first duly sworn, deposes and says that he is the President of MC Squared Energy Services, LLC ("Applicant"); that he has read the foregoing Verified Response to the Administrative Law Judge's Ruling of Applicant, and all of the attachments accompanying and referred to within the Verified Response; and that the statements contained in the Verified Response and the attachments are true, correct and complete to the best of his knowledge, information and belief.



Charles C. Sutton

Subscribed and sworn to before me

this 19th day of February, 2009.



Notary Public

[Stamp of Notary]

